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Via CM/ECF

July 8, 2024

Hon. Timothy M. Reif
1 Federal Plaza
New York, New York 10278

Re: *SS&C Technologies Holdings, Inc. and Advent Software Inc. v. Arcesium LLC,*
No. 1:22-cv-02009-TMR-OTW – Letter Motion to Seal

Dear Judge Reif:

Plaintiffs/Counterclaim-Defendants SS&C Technologies Holdings, Inc. and Advent Software, Inc. (collectively, “SS&C”) and Defendant/Counterclaim-Plaintiff Arcesium LLC (collectively, the “Parties”), jointly and respectfully submit this request to file under seal exhibits filed in support of SS&C’s Objections to Judge Wang’s Order denying SS&C’S application to obtain discovery, pursuant to Fed. R. Civ. P. 72(a) (the “Objections”), and to file a redacted version of those Objections.

While a presumption of public access applies to judicial documents, *e.g.*, documents relevant to the performance of the judicial function and useful in the judicial process, the weight of the presumption is “governed by the role of the material at issue” and the resulting value of such information to the public. *Lugosch v. Pyramid Co. of Onondaga*, 435 F.3d 110, 119 (2d Cir. 2006). Courts must also balance against the weight of the presumption of any countervailing factors such as “the privacy interests of those resisting disclosure,” *id.* at 120, including “the degree to which the subject matter is traditionally considered private rather than public” and the “nature and degree of injury” resulting from disclosure. *United States v. Amodeo*, 71 F.3d 1044, 1051 (2d Cir. 1995).

The exhibits consist of or reflect information that the parties have designated “highly confidential—outside counsel and experts’ eyes only,” and the Objections quote from one of the exhibits. This type of information is regularly deemed protected because disclosure “might harm a litigant’s competitive standing.” *In re Parmalat Sec. Litig.*, 258 F.R.D. 236, 244 (S.D.N.Y. 2009) (quoting *Nixon v. Warner Commc’ns, Inc.*, 435 U.S. 589, 598 (1978)); *Dodona I, LLC v. Goldman, Sachs & Co.*, 119 F. Supp. 3d 152, 155 (S.D.N.Y. 2015). This Court has granted similar sealing requests. *E.g.*, ECF No. 155.

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Accordingly, the Parties respectfully submit this request to file under seal exhibits filed in support of SS&C's Objections, and to file a redacted version of those Objections.

Respectfully submitted,

/s/ Stephen Fishbein

Stephen Fishbein

cc: Counsel of record for Arcesium (via ECF)

SO ORDERED

DATE July 11, 2024

Timothy Reif

TIMOTHY M. REIF, JUDGE,
UNITED STATES COURT OF
INTERNATIONAL TRADE
SITTING BY DESIGNATION
UNITED STATES DISTRICT
COURT FOR THE SOUTHERN
DISTRICT OF NEW YORK